

# **FOUNDATIONS OF STRONG PARENT ADVOCACY**

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ZEALOUS ADVOCACY IN CHIPS CASES  
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**WITHOUT A STRONG FOUNDATION,**

good work is just a bunch of  
pretty pieces.



# THINK IN TERMS OF THEORY OF THE CASE

If your

Opening statement

Direct examinations

Cross examinations

Evidence

Closing argument

doesn't advance your theory of the case,

**THEY ARE USELESS.**



# **STRONG PARENT ADVOCACY IS BUILT ON:**

- 1. WHO YOU ARE**
- 2. WHAT YOU DO**
- 3. WHY YOU DO IT**
- 4. HOW YOU DO IT**



# WHO ARE YOU? WHAT DO YOU DO?

Parent attorneys

Represent parents involved in child welfare proceedings

Defend parents in child welfare proceedings

Help parents to achieve their ultimate goal

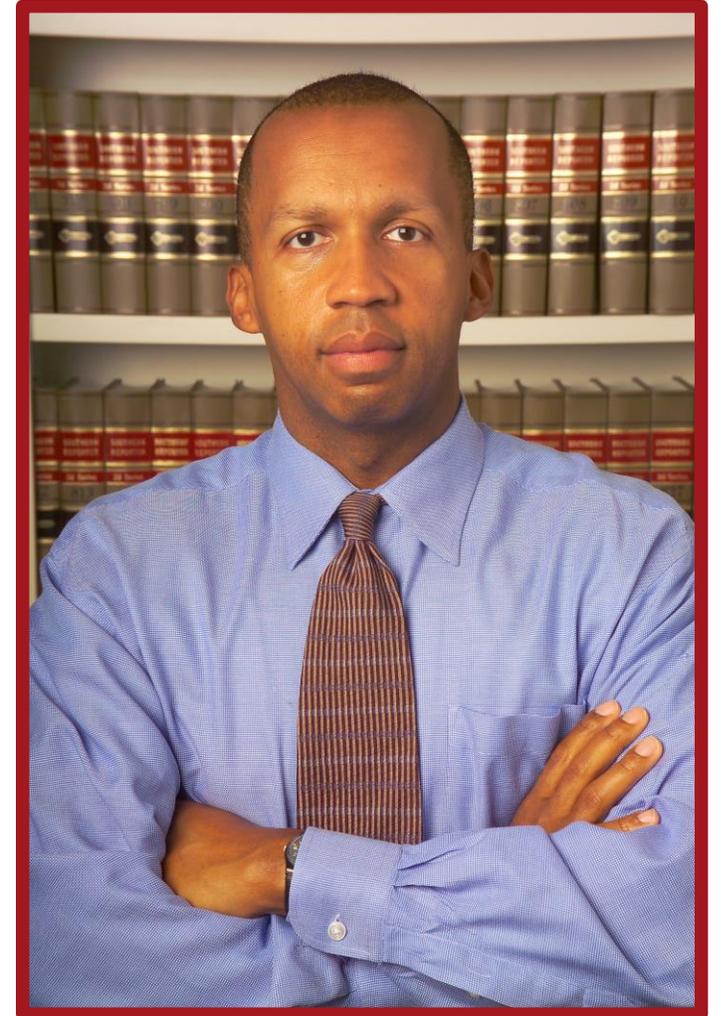
Reunification – What is it? Who does it involve?

## WHAT ARE YOU REALLY DEFENDING?

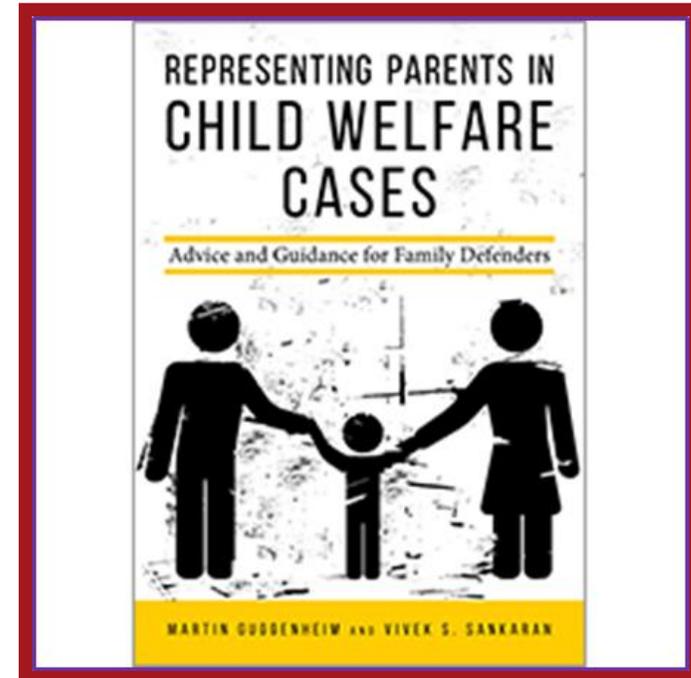


YOU ARE DEFENDING FAMILIES AGAINST  
UNJUST OR PROLONGED INTRUSION  
BY THE STATE.

YOU ARE **FAMILY DEFENDERS.**



# YOU ARE PART OF A NATIONAL COMMUNITY OF FAMILY DEFENDERS



# SCOPE OF CHILD WELFARE PROCEEDINGS

Investigation

Protective order

Removal

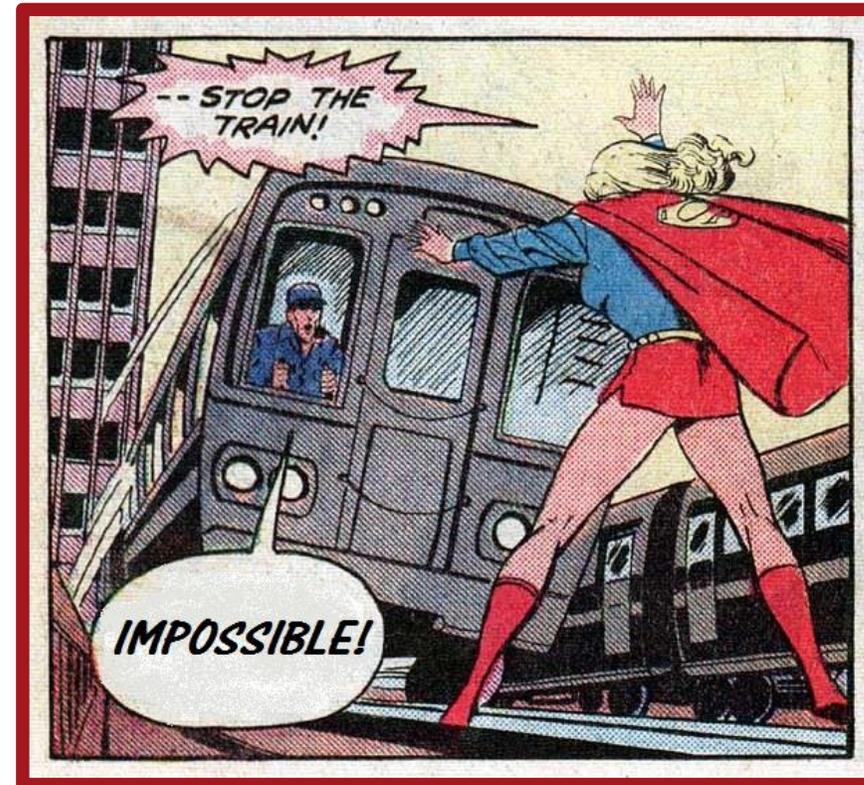
Dependency

Continued removal

Non-reunification

Termination of parental rights

Adoption



# WHY DO YOU DO THIS WORK?

*No person shall be deprived  
of life, liberty, or property,  
without due process of law;*

**CAN'T WE JUST TRUST THE GOVERNMENT  
TO DO WHAT'S RIGHT FOR KIDS?**



Of all the tyrannies, a  
tyranny sincerely exercised  
for the good of its victims may  
be the most oppressive. It would  
be better to live under robber barons  
than under omnipotent moral busybodies.  
The robber baron's cruelty may at some  
point be satiated; but those who torment us for  
our own good will torment us without end for they  
do so with the approval of their own conscience.

**C.S. Lewis**

**WANTED**  
**Homes for Children**

A company of homeless children from the East will arrive at  
**TROY, MO., ON FRIDAY, FEB. 25th, 1910**

The children are of various ages, from 2 to 12 years, and are of various nationalities. They are all well and healthy, and are in need of homes. They will be accompanied by a teacher and a nurse. They will be placed in homes as soon as possible. The names of the children are as follows: ...

**O. H. Avery   E. B. Woodruff   H. F. Childers**  
**Wm. Volney   G. W. Gobert**

Applications must be made to the agent, and referred to the local committee.

An address will be made by the agent. Come and see the children, and hear the address. Discussion will take place at the

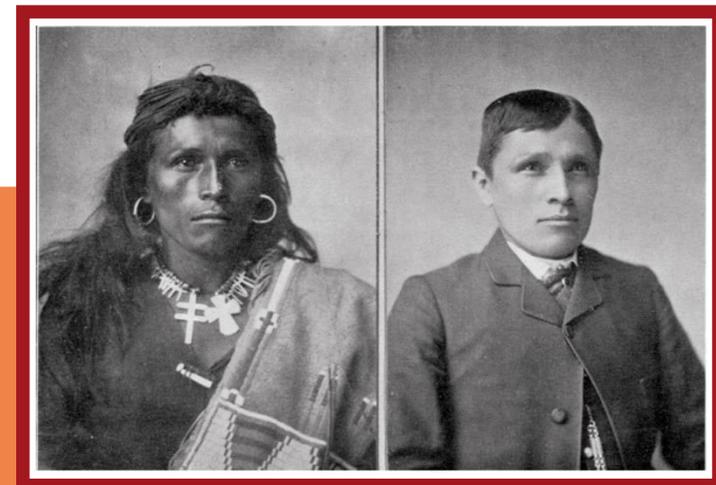
**Opera House Friday, Feb. 25, at 1:30 p. m.**

21 W. 11th and 11th St., St. Louis, Mo. Agents, 107 E. 22nd St., New York City.  
REV. J. W. SWAN, University Place, Newark, N. J., Western Agent.

# ORPHAN TRAINS



# AMERICAN INDIAN BOARDING SCHOOLS



## IN THE MODERN ERA...

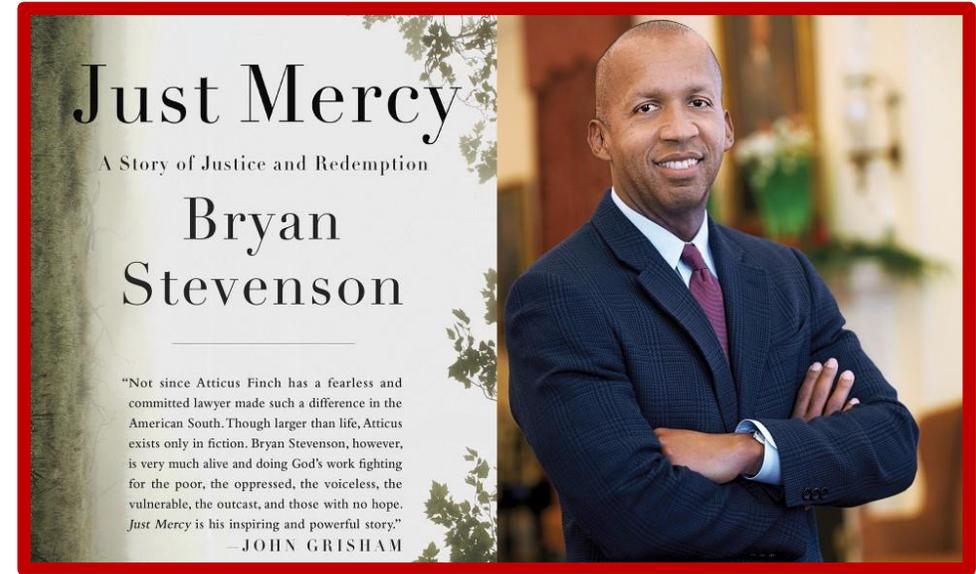
The majority of children in foster care could remain safely in the home. Lindsay, Duncan. *The Welfare of Children*, 151, 155 (1994).

Children placed in foster care are far more likely than other children to commit crimes, drop out of school, join welfare, experience substance abuse problems, or enter the homeless population. Doyle, Joseph J., *Child Protection and Child Outcomes: Measuring the Effects of Foster Care*, 97 *Am. Econ. Rev.* 1582-84, 1607 (2007).

Parents are more likely to take advice from an advocate who is fighting for them and are more likely to endure the process when they feel they have a strong defense and a caring professional who listens to them and respects them.

Credit: Martin Guggenheim,  
[Representing Parents in Child Welfare Cases](#)

I have come to understand and believe that each of us is more than the worst thing we've ever done. I believe that for every person on the planet. I think that if somebody tells a lie, they're not just a liar. I think that if somebody takes something that doesn't belong to them, they're not just a thief. I think that if you kill someone, you're not just a killer. And because of that, there's this basic human dignity that must be respected by the law.



Bryan Stevenson,  
Just Mercy

## CRIMINAL DEFENSE

Historical roots

Contemplated by founding fathers

Right to counsel

Prosecution target: criminal

Universal understanding

Legal education, internships, clinics

## FAMILY DEFENSE

Young field of law

Child Protection & Treatment Act 1974

Right to counsel?

Prosecution target: child protection

Widespread ignorance

Absent from law school curriculum

# HOW DO YOU DO THIS WORK?

With the fervor of \_\_\_\_\_.

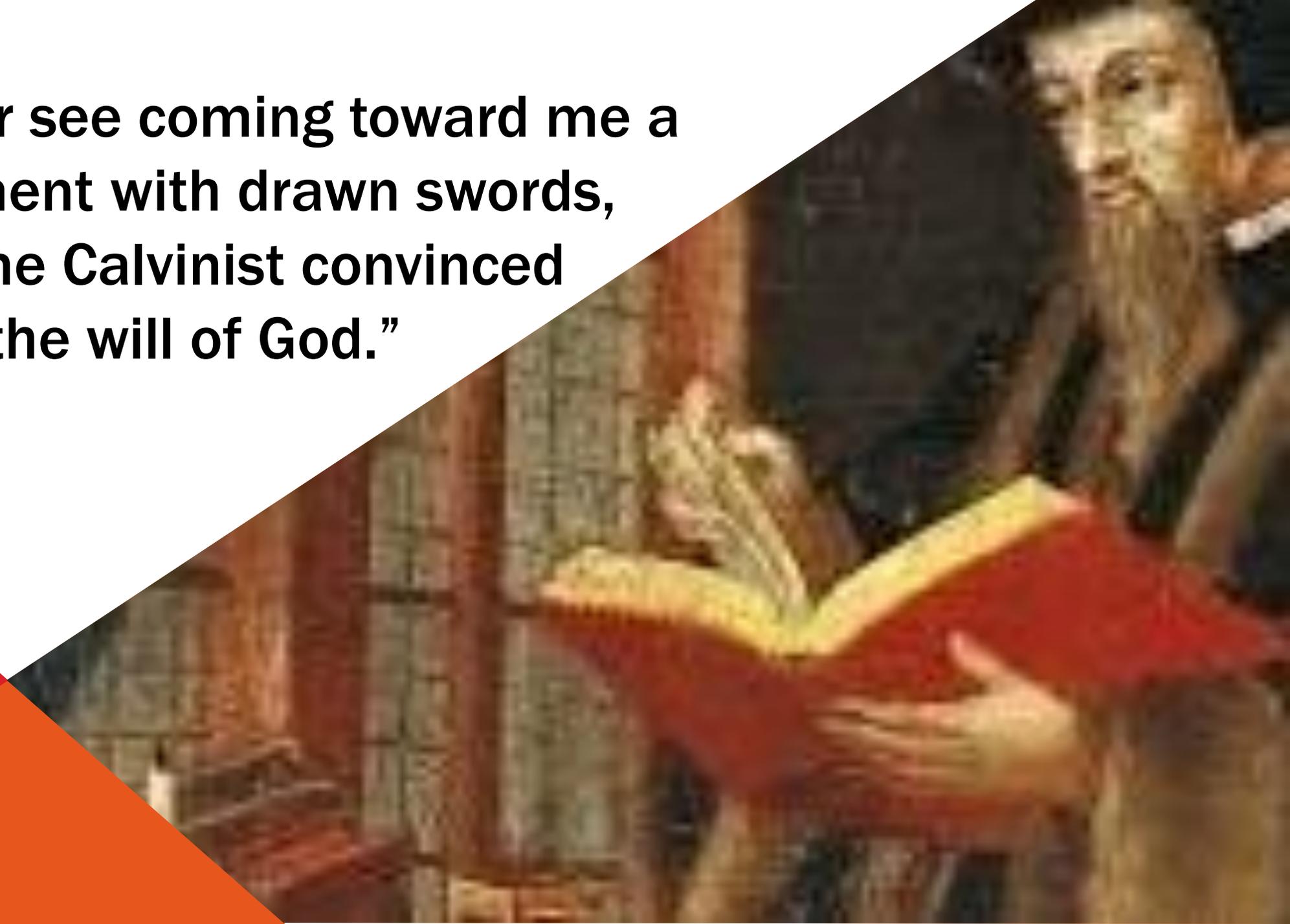
With the righteous indignation of \_\_\_\_\_.

With the dignity of \_\_\_\_\_.

With the arrogance of \_\_\_\_\_.



**“I had rather see coming toward me a whole regiment with drawn swords, than one lone Calvinist convinced he is doing the will of God.”**



# **OUTSIDE THE COURTROOM**

**Context is everything**

**I work for you**

**Explain the process**

**Reality checks**

**Visitation coaching**

**Written communication for client and attorney**

# SET THE TONE IN THE COURTROOM

Punctual

Prepared

Use of names!

Attorney-client communication



# **TAKE CONTROL OF THE NARRATIVE**

This is your client's family

Your client is the expert on his/her children

A family defender is not confined to playing defense

Do not internalize any shame or guilt

Your job is to hold the State to its burden

The child welfare agency must justify State interference with family



# RED FLAGS

Unrelated male in home

Child with special needs

Criminal history

Prior investigations

Prior removals

Single parent

Unemployment

Unplanned pregnancy

Anger



# CROSS EXAMINE RE ABSENCE OF RED FLAGS

Risk factors in home/family

Attitude of parent

Condition of child

Parent/child bond



# THE SHIFT FROM DEFENSE TO ADVOCACY

Entourage

Documentation

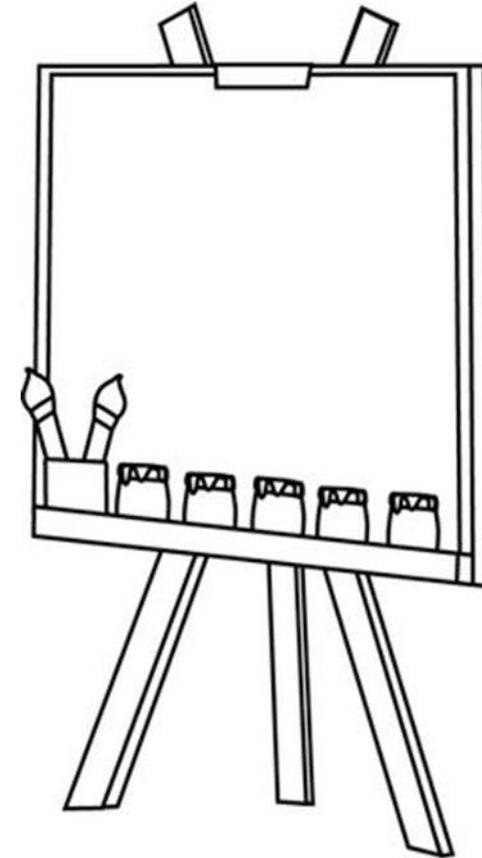
Service records

Certificates of completion

Receipts

Letters

Affidavits



# QUESTIONS?

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